IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPEAL NO:

In Re Application of: PAVLEY, John F. et al.

Confirmation No.: 5677

Serial No: 09/973,128

Filed: October 9, 2001

For: METHOD AND APPARATUS FOR EDITING HETEROGENEOUS MEDIA OBJECTS IN A DIGITAL IMAGING DEVICE

APPEAL BRIEF

Stephen G. Sullivan
Attorney for Appellants
Sawyer Law Group LLP
2465 E. Bayshore Road, Suite 406
Palo Alto, CA 94303

TOPICAL INDEX

Attorney Docket: P161/1509C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:	Date: October 6, 2005
John F. PAVLEY, et al.	Confirmation No: 5677
Serial No: 09/973,128	Group Art Unit: 2174
Filed: October 9, 2001	Examiner: Sax, Steven P.

For: METHOD AND APPARATUS FOR EDITING HETEROGENEOUS MEDIA OBJECTS IN A DIGITAL IMAGING DEVICE

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Appellant herein files an Appeal Brief drafted in accordance with the provisions of 37 C.F.R. § 1.192(c) as follows:

I.   REAL PARTY IN INTEREST

Appellant respectfully submits that the above-captioned application is assigned, in its entirety to Flashpoint Technology, Inc., of Peterborough, New Hampshire.

II. RELATED APPEALS AND INTERFERENCES

Appellant states that, upon information and belief, he is not aware of any co-pending appeal or interference which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Application No. 09/973,128 (the instant application), as originally filed, included claims 1-18. Claims 2-18 are pending. In a Preliminary Amendment dated October 9, 2001, claim 1 was canceled, and claims 2, 3, and 7-15 were changed. No claim amendments were made in a Response submitted in response to an Office Action dated July 30, 2004. Claims 2-18 are on appeal and all applied rejections concerning claims 2-18 are herein being appealed herein.

IV. STATUS OF AMENDMENTS

After the Examiner's first Office Action mailed July 30, 2004, Appellant filed a response on November 1, 2004, in which remarks were presented. The Examiner responded with a Final Office Action mailed on April 6, 2005, in which the Examiner maintained the rejections from the first Office Action. In response to the Final Office Action, Appellant has filed this Appeal Brief.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention provides a method and apparatus for editing heterogeneous media objects in a hand-held image capture device. Independent claim 3 recites a method in which a representation of each of the media objects is displayed on a display screen of the

4

image capture device, where each one of the media objects has or more media types associated therewith (Fig. 4A-4B ref. 306, page 15, lines 19-23, page 16-17 of specification). A user is enabled to randomly select a particular media object to edit (Fig. 11, page 28, lines 7-12). One or more specialized edit screens are invoked for editing the media types associated with the selected media object, in response to a user pressing a key to edit the object (page 28, line 19 to page 29, line 11). In each one of the specialized editing screens, a representation of the selected media object's content and items to be applied to the selected media object are displayed, whereby each one of the specialized editing screens operates in a similar manner to ease use and operation of the hand-held image capture device and to facilitate creation of multimedia presentations on the hand-held image capture device (Figs. 12-19, page 29, line 8 to page 34, line 21; page 36, lines 10-16).

Independent claim 7 recites a hand-held image capture device for editing heterogeneous media objects and includes a randomly-accessible mass storage device for storing the heterogeneous media objects (Specification, page 12, lines 8-13), each one of the media objects having one or more media types associated therewith, wherein the media types include a still image, a sequential image, and text (page 14, lines 1-19). A hardware user interface displays the heterogeneous media objects and includes a navigational control and means to select one of the media objects (page 16, lines 5-10, page 21, lines 14-20). Processing means coupled to the mass storage device, the video codec, and to the hardware user interface controls operation of the hand-held image capture device (page 8, lines 5-17) and functions such that in response to the using randomly selecting one of the media objects to edit, the processing means invokes one or more specialized edit screens for editing the media types associated with the selected media object, where the specialized edit screens include an image editing screen for editing still and sequential images (page 28, line 19 to

5

page 29, line 23; page 30, lines 1-6).

Independent claim 13 recites a method for editing media objects stored in a hand-held image capture device, in which a slide show is created from randomly selected ones of the heterogeneous media objects stored in the hand-held image capture device, each one of the heterogeneous media objects comprising at least one media type, the media types including a still image, a sequential image, and text (page 26, lines 4-12). In response to a user editing the slide show, a slide show edit screen is displayed, where a representation of each media object comprising the slide show is displayed on the display screen (Figs. 4A-4B, 11; page 19, lines 15-19). A user is enabled to randomly select media objects to edit, and to edit the selected media object's content (page 28, lines 7-12, 19-23; page 29, lines 1-7).

Appellant's invention has the advantage of providing media editing capability on a hand-held image capture device. According to the present invention, each media object in the device may be edited and can be incorporated into a slideshow, where each media object is edited using different media types editors designed to edit the media types associated with that particular object. Because the device is provided with screens for editing the different types of media objects directly on the hand-held device, and the editing screens all operate similarly, the present invention eases the use and operation of the editing functions, eliminates the need for the user to copy media objects to a desktop PC and eliminates the need for using more complex PC-based editing software, and facilitates the creation of multimedia presentations by non-computer savvy users.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 2-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over

Ogawa (U.S. Patent No. 6,072,479) (hereinafter "Ogawa") in view of Scott et al. (U.S.

Patent No. 5,675,752) (hereinafter "Scott") and Foster (U.S. Patent No. 6,211,870)

(hereinafter "Foster").

VII. ARGUMENTS

A. Rejection of claims 2-18 under 35 U.S.C. 103(a) as being unpatentable over Ogawa in view of Scott and Foster

1. Summary of Rejection

The Final Office Action dated April 6, 2005 (hereinafter "Final Office Action")

rejected Claims 2-18 under 35 USC § 103(a) as being unpatentable over Ogawa in view of

Scott and Foster.

With regard to claim 3, the Examiner stated:

> **Regarding claim 3, see Ogawa: Note the method for editing heterogeneous media objects in the digital imaging device – the representation of each is displayed on the screen (Abstract, Figures 2, 7, 12, see also Figure 5 for example, column 8 lines 1-50), enabling a user to randomly select a particular media object to edit (column 2 lines 40-68, column 3 lines 20-68). User input may be by mouse or key strokes, and specialized editing screens are invoked for each media type, and each editing screen operates in a similar fashion and has discrete cursor locations (column 4 lines 29-68, column 5 lines 15-60). Although Ogawa does show the distinguishing of the media types, the specific details of the specialized screens for the different types are limited. But the distinguishing is done for efficient and easy to use media editing.**
> **Furthermore, see Scott et al: the Abstract, Figures 2, 3, 6, 11A-B, 15A, 22B, 22C, 23E, 25, 26, 28, column 4 lines 1-24, column 8 lines 15-68, column 9 lines 1-20 (note specialized display screens that nevertheless operate is a similar and linked fashion), column 10 lines 12-40, column 11 lines 25-50, column 13 lines 1-27, column 15 lines 44-62, column 16 lines 35-49, column 19 lines 47-68, column 20 lines 41-68. Note the specific details of distinguishing the specialized screens for different editing features and object types in a media editing system.**
> **It would have been obvious to a person with ordinary skill in the art to incorporate this detailed specialized screen feature in the media editing system of Ogawa, because it would provide convenient and easy to use media editing in a media editing system that edits and differentiates between**

different media types using various screens.

Neither Ogawa nor Scott et al specifically show how the device is handheld, but do show convenient user manipulation of the screens. Furthermore, Foster shows a handheld device for convenient user manipulation of the screens (Figures 9-10, column 4 lines 25-53). It would have been obvious to a person with ordinary skill in the art to have this in Ogawa, especially as modified by Scott et al, because it would allow convenient user manipulation of the screens.

With regard to claim 2, the Examiner stated that the media types include still image, sequential, and text (as brought out in the combination with Scott et al in paragraph 6, see Figures 2, 3, 6, 11A-B, 15A, 16, 22C).

With regard to claims 4, the Examiner stated that each editing screen operates in a similar fashion and has discrete cursor locations which the user navigates using navigation control (Ogawa column 4 lines 29-68, column 5 lines 15-60).

With regard to claims 5, the Examiner stated that real time preview may be applied (Ogawa column 9 lines 33-68, column 10 lines 29-45).

With regard to claims 6, the Examiner stated that thumbnail icons are displayed representing the media objects (Ogawa Figure 7 for example and column 11 lines 5-15).

With regard to claims 7-11, the Examiner stated that these claims show the same features as claims 3, 2, 4-6 respectively, and are rejected for the same reasons.

With regard to claims 12, the Examiner noted the slide show (Ogawa Figure 11, column 12 lines 25-55).

With regard to claims 13-15, the Examiner stated that these claims show the same features as claims 7, 9, and 8, with the slide show feature added, and are rejected for the same reasons as those claims respectively, plus for each claim noting the slide show in Ogawa (Figure 11, column 12 lines 25-55).

With regard to claims 16-18, the Examiner did not address these claims.

For the reasons presented below, Appellant respectfully requests that the Board reverse the Examiner's final rejection of Claims 2-18.

2. The Ogawa, Scott, and Foster References Do Not Teach or Suggest Claims 2-6

Unpatentability by obviousness under 35 U.S.C. 103(a) requires that the subject matter of the invention would have been obvious to one of ordinary skill in the pertaining art at the time the invention was made. Independent claim 3 recites a method for editing heterogeneous media objects in a hand-held image capture device having a display screen. In particular, claim 3 recites, in pertinent part:

> 3. A method for editing heterogeneous media objects in a hand-held image capture device having a display screen, the method comprising the steps of:
> a) displaying a representation of each one of the media objects on the display screen, each one of the media objects having one or more media types associated therewith;
> b) enabling a user to randomly select a particular media object to edit;
> c) in response to a user pressing a key to edit the selected media object, invoking one or more specialized edit screens for editing the media types associated with the selected media object, wherein in each one of the specialized editing screens, a representation of the selected media object's content, and items to be applied to the selected media object are displayed, whereby each one of the specialized editing screens operates in a similar manner to ease use and operation of the hand-held image capture device and to facilitate creation of multimedia presentations on the hand-held image capture device.

Claim 3 is patentable over Ogawa in view of Scott and Foster since the features of claim 3 are not disclosed or suggested by those references. In particular, Ogawa in view of Scott and Foster fail to teach or suggest the recited features of invoking one or more specialized edit screens for editing media types associated with a selected media object displayed on a display screen of a hand-held image capture device, where each one of the specialized editing screens operates in a similar manner to ease use and operation of the

hand-held image capture device and to facilitate creation of multimedia presentations on the hand-held image capture device.

Ogawa discloses a scenario editing system in which a user may specify attributes of media types such as still pictures, moving pictures, and voice, such attributes including color depth, frames per second, compression ratio, etc. There is no disclosure in Ogawa of invoking one or more specialized edit screens in which a representation of the selected media object's content is displayed, with items to be applied to the media object.

The Examiner states that the specific details of the specialized screens for the different types are limited in Ogawa, but that Scott discloses specialized display screens that nevertheless operate in a similar and linked fashion. It should be noted, however, that the display screens of the "media frame editor" of Scott in Figs. 22a-22d, 25, 26, 27, and 28 are for <u>combining</u> media elements such as images, graphics, animations, video clips, text, and sound clips on a common timeline. These editing screens are not used for editing these media elements themselves; they are used for combining the media elements into a media presentation, and for editing the <u>transitions between</u> media elements, such as cuts, fades, and dissolves (col. 25, lines 51-53, 64-66 to col. 26, lines 1-51). In addition, Scott's "interactive presentation editor" is not for editing media elements, but is for creating environments including application and menu screens (col. 10, lines 50-67; col. 11, lines 26-50). Thus, neither Ogawa nor Scott disclose or suggest providing specialized editing screens for editing media types associated with a media object.

The Examiner states that it would have been obvious to incorporate the detailed specialized screen feature of Scott in the media editing system of Ogawa because it would provide convenient and easy to use media editing in a media editing system that edits and differentiates between different media types using various screens. However, as noted

10

above, the specialized screen feature of Scott is for <u>combining</u> media elements in a presentation, not for editing media objects, and thus would not be useful in the "edit attributes" feature of Ogawa. There is no teaching in Scott as to how to use his presentation screens for editing the media elements themselves. Scott discloses a "Tools" menu in Fig. 23e, in which the user can select and call one of a listed number of editors, including a graphics editor, animation editor, sound editor, text editor, etc. However, no details of these editors are described in Scott; and in Scott's preferred embodiment, the editors are simply standard industry programs that are commercially available (col. 31, lines 14-17). Scott therefore does not disclose any commonality or similarity between editors. Thus, Scott does not disclose or suggest providing specialized editing screens for editing media types, where each specialized editing screen operates in a similar manner.

Importantly, the Ogawa and Scott references do not teach hand-held devices. The Examiner states that neither Ogawa nor Scott specifically show how the device is handheld, but show convenient user manipulation of the screens, and that Foster shows a handheld device for convenient user manipulation of the screens, so that it would be obvious to have this manipulation in Ogawa as modified by Scott to allow convenient user manipulation of screens. However, Foster does not teach convenient user manipulation of editing screens on the handheld remote control device itself. Foster's remote control device has a display screen that can display soft keys on the screen, which are programmable buttons (col. 7, lines 21-30). The only manipulation features of the remote control device that Foster discloses is the generation and display of soft keys and other features (labels, titles, etc.) of a screen object, and the ability of the user to scroll through loaded screen objects using fixed keys (col. 12, lines 1-12). There is no editing of a media object allowed by Foster's remote

11

control device, nor the invocation of specialized editing screens on the handheld remote control.

The Examiner cites user manipulation of screens in Foster at Figs. 9-10, col. 4, lines 25-53. However, these cited Figures and lines teach that user manipulation of the functions of the remote control device occur using a desktop computer. The desktop computer is used to edit the functions of buttons on the remote control unit, and then the programmed commands are sent to the remote control device, which is connected to the desktop computer via a docking station (col. 6 line 66 to col. 7 line 10). Foster does not disclose any editing of screen objects using a handheld device. In fact, Foster teaches away from the use of editing objects on the handheld device itself—Foster suggests that editing of screen objects should only be accomplished using a desktop computer. Foster's suggestion that editing objects is totally separate from, and cannot be performed by, the handheld remote device is further demonstrated in Foster's description at col. 11, lines 63-67, in which Foster states that the computer can be used to create and edit screen objects apart from any remote control units.

The Examiner states that simple user manipulation of screens disclosed by Foster would have made it obvious to incorporate the features of Ogawa and Scott on a handheld device. However, there is a substantial difference between simply user manipulation of displayed objects, and the editing of those objects. The fact that a user can simply scroll different screen objects on the screen of Foster's remote control device does not at all suggest the ability of a user to edit those screen objects.

The Examiner also states in the Final Office Action that the technology used to implement the remote control unit of Foster can be used to invoke specialized screens, and the motivation to do this in the invention characterized by the combination of Ogawa and Scott is for the convenience of manipulating the screens—though the screen is smaller,

12

specialized screens may still be invoked and displayed. However, there is no motivation to achieve convenience for the manipulation of <u>editing</u> screens on the remote control device of Foster, because none of the references teaches or suggests editing screens that can be conveniently manipulated on a handheld device. Ogawa, Scott, and Foster all disclose screens that are edited using a standard computer system. Ogawa describes a standard desktop PC platform at col. 6, lines 40-49, assumes multiple users in a large project (Fig. 8), and assumes use of a full keyboard for editing attributes (col. 11, lines 40-44). Scott's system is intended for a server system having multiple users (col. 8, lines 16-23), not a portable device. Foster teaches away from doing editing on his handheld device, as explained above. No one of skill in the art would be motivated by convenience of manipulating editing screens on a handheld device, since none of these references even suggests doing any media object editing on a handheld device.

Furthermore, there is no reason to combine the features of Ogawa and Scott in Foster's handheld device. Foster's remote control has nothing to do with presentations of media elements as described in Ogawa and Scott; the remote control unit uses its display screen to display simple buttons that are used to send commands to a multimedia processing unit 300 (Fig. 1) to control settings of the multimedia unit (col. 4, lines 26-32, 47-50), and does not display media presentations. The features of Ogawa and Scott are irrelevant to Foster's remote control unit, and would not be combined with Foster's device. Furthermore, Foster's use of a desktop PC for editing screen objects further demonstrates that there is no reason for one of ordinary skill in the art to combine the features of Ogawa and Scott in the handheld remote control of Foster; as explained above, this teaches away from any combination of Foster with Ogawa and Scott. Following the disclosures of Foster, Ogawa, and Scott, a person of ordinary skill in the art would simply edit images and other media

13

types on a desktop PC.

Finally, none of Ogawa, Scott, and Foster disclose or suggest a handheld <u>image</u> <u>capture device</u>. The editing features of Applicant's invention are particularly relevant to an image capture device because the images captured by the device may be edited directly on the device using Applicant's invention, after they have been captured, without having to send the images to a desktop computer for editing. Furthermore, different media types captured by the image capture device, such as still images, video, and sound, can be edited conveniently by the user directly on the device. In contrast, Foster's remote control device does not capture images or any other environment information, but merely transmits pre-programmed commands to a multimedia device when buttons are pressed. Likewise, Ogawa and Scott do not disclose any image capturing capability in a portable, handheld device; their software is used on desktop computers, which presumably can create images thereon or receive already-captured images from some other source. Ogawa and Scott are similar to the rest of the prior art, which require the user to have a desktop computer and be proficient technologically to import images from a camera to a desktop computer and operate desktop editing and presentation programs. Applicant's invention overcomes these limitations.

Consequently, Ogawa in view of Scott and Foster cannot teach or suggest the method recited in claim 3.

The arguments made above apply with full force and effect to dependent claims 2 and 4-6 because dependent claims incorporate the limitations of the independent claims. In addition, for example, claim 4 is further patentable over Ogawa, Scott and Foster since these references do not disclose or suggest providing specialized editing screens with <u>discrete</u> cursor locations. The Examiner cites col. 4, lines 29-68 and col. 5, lines 15-60 of Ogawa, but this description is a

summary of claims and discloses means for drawing graphic media objects, means for allowing a user to enter a media-dependent attribute, and means for displaying surrogate media objects and allowing a user to drag media objects as icons or thumbnails onto the surrogate media objects; nothing is mentioned about providing discrete cursor locations as recited in claim 3.

Consequently, Ogawa, Scott and Foster cannot teach or suggest the subject matter recited in claims 2 and 4-6.

3. The Ogawa, Scott, and Foster References Do Not Teach or Suggest Appellant's Invention of Claims 7-12

Independent claim 7 recites a hand-held image capture device for editing heterogeneous media objects. In particular, claim 7 recites, in pertinent part:

> 7. A hand-held image capture device for editing heterogeneous media objects, comprising:
> a randomly-accessible mass storage device for storing the heterogeneous media objects, each one of the media objects having one or more media types associated therewith, wherein the media types include a still image, a sequential image, and text;
> a hardware user interface for displaying the heterogeneous media objects, the hardware user interface including a navigational control, and means to select one of the media objects; and
> processing means coupled to the mass storage device, the video codec, and to the hardware user interface for controlling operation of the hand-held image capture device, the processing means functioning such that in response to the using randomly selecting one of the media objects to edit, the processing means invokes one or more specialized edit screens for editing the media types associated with the selected media object, wherein the specialized edit screens include an image editing screen for editing still and sequential images.

Claims 7-12 form a separate and independent group from the other claims of the present application because claim 7 is of different scope than the other claim sets under independent claims 3 and 13. For example, claim 7 recites a mass storage device,

15

processing means and an image editing screen for editing still and sequential images, which are not recited by claims 3 and 13. Accordingly, claim 7 and dependent claims 8-12 are of different scope and separately patentable.

Claim 7 is patentable over Ogawa in view of Scott and Foster since the features of claim 7 are not disclosed or suggested by those references. In particular, Ogawa in view of Scott and Foster fail to teach or suggest the recited features of a hand-held image capture device including processing means functioning such that, in response to the user randomly selecting one of the media objects to edit, the processing means invokes one or more specialized edit screens for editing the media types associated with the selected media object.

There is no disclosure in Ogawa of invoking one or more specialized edit screens for editing the media types associated with a selected media object. The Examiner states that the specific details of the specialized screens for the different types are limited in Ogawa, but that Scott discloses specialized display screens that nevertheless operate in a similar and linked fashion. As noted above, however, the display screens of the "media frame editor" in Scott are for combining media elements on a common timeline and editing transitions between media elements, and are not used for editing the media elements themselves. Scott's "interactive presentation editor" is not for editing media elements, but is for creating an environment including application screens and menu screens.

The Examiner cites Foster to show a handheld device for convenient user manipulation of the screens, and stated that it would be obvious to have this manipulation in Ogawa as modified by Scott to allow convenient user manipulation of screens. However, Foster does not teach user manipulation of editing screens on the handheld remote control device itself. There is no motivation for any convenience of the manipulation of <u>editing</u>

16

screens on the remote control device of Foster or any handheld device, because none of the references discloses or even suggests editing screens that can be manipulated on a handheld device; Ogawa, Scott, and Foster all disclose editing using a desktop computer system.

The Foster reference discloses the user manipulation of the functions of the remote control device on a desktop computer, where the desktop computer is used to edit the functions of buttons on the remote control unit, and then the programmed commands are sent to the remote control device. Foster does not disclose any editing of screen objects using a handheld device. In fact, Foster teaches away from the use of editing objects on the handheld device itself—Foster shows that editing of screen objects should only be done using a desktop computer.

Furthermore, there is no reason to combine the features of Ogawa and Scott in Foster's handheld device. Foster's remote control has nothing to do with the presentations of media as described in Ogawa and Scott; the remote control unit is simply used to send commands to a multimedia processing unit 300 (Fig. 1) to control settings of the multimedia unit (col. 4, lines 26-32, 47-50). The features of Ogawa and Scott are irrelevant to Foster's remote control unit, and would not be combined with Foster's device. In addition, since Foster teaches away from using a handheld device for editing, there is no motivation to combine Ogawa and Scott's functions on Foster's remote control.

Finally, none of Ogawa, Scott, and Foster disclose or suggest a handheld <u>image capture device</u>. The editing features of Applicant's invention are particularly relevant to an image capture device because the images (and other media types) captured by the device may be conveniently edited directly on the device using Applicant's invention, after they have been captured, without having to send the images to a desktop computer for editing. In contrast, Foster's remote control device does not capture images or any other environment

17

information, but merely sends pre-programmed commands to a multimedia device when buttons are pressed. Likewise, Ogawa and Scott do not disclose any image capturing capability in a hand-held device.

Consequently, Ogawa in view of Scott and Foster cannot teach or suggest the method recited in claim 7.

The arguments made above apply with full force and effect to dependent claims 8-12 because dependent claims incorporate the limitations of the independent claims. In addition, for example, claim 8 recites specialized editing screens operating in a similar manner to ease use and operation of the hand-held image capture device and to facilitate creation of multimedia presentations on the hand-held image capture device, which are not taught or suggested by the cited references as explained above for claim 3. Claim 9 recites discrete cursor limitations which are additionally patentable over the cited references for reasons similar as explained above for claim 4.

Consequently, Ogawa, Scott and Foster cannot teach or suggest the subject matter recited in claims 8-12.

4. The Ogawa, Scott, and Foster References Do Not Teach or Suggest Appellant's Invention of Claims 13-18

Independent claim 13 recites a method for editing heterogeneous media objects stored in a hand-held image capture device having a display screen. In particular, claim 13 recites, in pertinent part:

> 13. A method for editing heterogeneous media objects stored in a hand-held image capture device having a display screen, the method comprising the steps of:
> a) creating a slide show from randomly selected ones of the heterogeneous

media objects stored in the hand-held image capture device, each one of the heterogeneous media objects comprising at least one media type, the media types including a still image, a sequential image, and text;

       b) in response to a user editing the slide show, displaying a slide show edit screen, wherein a representation of each media object comprising the slide show is displayed on the display screen;

       c) enabling a user to randomly select media objects to edit; and

       d) enabling the user to edit the selected media object's content.

Claims 13-18 form a separate and independent group from the other claims of the present application because claim 13 is of different scope than the other claim sets under independent claims 3 and 7. For example, claim 13 recites creating a slide show and displaying a slide show edit screen, which are not recited by claims 3 and 7. Accordingly, claim 13 and dependent claims 14-18 are of different scope and separately patentable.

Claim 13 is patentable over Ogawa in view of Scott and Foster since the features of claim 13 are not disclosed or suggested by those references. In particular, Ogawa in view of Scott and Foster fail to teach or suggest the recited features of enabling a user to randomly select media objects to edit on a hand-held image capture device, and enabling the user to edit the selected media object's content on the hand-held image capture device.

Neither Ogawa nor Scott teach or suggest a device that is handheld. Foster shows a handheld remote control device for commanding a multimedia device, but does not teach enabling a user to edit a selected media object's content on the handheld remote control device itself. The Foster reference discloses user manipulation of the functions of the remote control device on a desktop computer, where the desktop computer is used to edit the functions of buttons on the remote control unit, and then the programmed commands are sent to the remote control device. Foster does not disclose any editing of screen objects using the handheld remote control device. In fact, Foster teaches away from the use of editing objects on the handheld device itself—Foster shows that editing of screen objects

should only be done using a desktop computer, unlike Applicant's invention.

Furthermore, there is no reason to combine the features of Ogawa and Scott in Foster's handheld device. Foster's remote control is not related at all with the presentations of media as described in Ogawa and Scott; the remote control unit is simply used to send commands to a multimedia processing unit 300 (Fig. 1) to control settings of the multimedia unit (col. 4, lines 26-32, 47-50). Foster teaches away from doing editing on a handheld device. The features of Ogawa and Scott are irrelevant to Foster's remote control unit, and nothing in the references suggests combining these features with Foster's device. No one of skill in the art would be motivated by convenience of manipulating editing screens on a handheld device, since none of these references even suggests doing any media object editing on a handheld device. For example, neither Ogawa nor Scott disclose any slide show presentations performed on a portable or hand-held device.

In addition, none of Ogawa, Scott, and Foster disclose or suggest a handheld <u>image capture</u> device. The editing features of Applicant's invention are particularly relevant to an image capture device because the images (and other media types) captured by the device may be conveniently edited directly on the device using Applicant's invention, after they have been captured, without having to send the images to a desktop computer for editing. In contrast, Foster's remote control device does not capture images or any other environment information, but merely sends pre-programmed commands to a multimedia device when buttons are pressed. Likewise, Ogawa and Scott do not disclose any image capturing capability in a hand-held device.

Consequently, Ogawa in view of Scott and Foster cannot teach or suggest the method recited in claim 13.

The arguments made above apply with full force and effect to dependent claims 14-18

because dependent claims incorporate the limitations of the independent claims. In addition, for example, claim 14 recites specialized editing screens and claim 15 recites that each of the editing screens operates in a similar manner, which are not taught or suggested by the cited references as explained above for claim 3. Claim 16 recites discrete cursor limitations which are additionally patentable over the cited references for reasons similar as explained above for claim 4.

Consequently, Ogawa, Scott and Foster cannot teach or suggest the subject matter recited in claims 14-18.

Accordingly, Appellant respectfully requests that the Board reverse the final rejection of Claims 2-18.
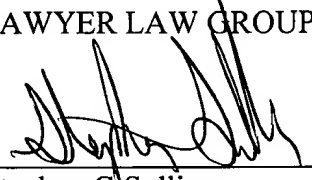
Conclusion

For all the foregoing reasons, it is respectfully submitted that claims 3, 7, and 13, the claims are patentable. Accordingly, Appellant respectfully asks the Board to reverse the Examiner's rejection of claims 2-18 of the present invention and find each of these claims allowable.

Note: For convenience of detachment without disturbing the integrity of the remainder of pages of this Appeal Brief, Appellant's APPENDIX sections are contained on separate sheets following the signatory portion of this Appeal Brief.

Authorization for payment of the required Brief fee is contained in the cover letter for this Brief. Please charge any fee that may be necessary for the continued pendency of this application to Deposit Account No. 02-2120 (Sawyer Law Group LLP).

<div align="right">

Respectfully submitted,

SAWYER LAW GROUP LLP

</div>

__October 6, 2005__
Date

Stephen G. Sullivan
Attorney for Appellants
Reg. No. 38,329
(650) 493-4540

VIII. CLAIMS APPENDIX

1. (canceled)

2   (Previously amended) A method as in claim 3 wherein the media types include a still image, a sequential image, and text.

3   (Previously amended) A method for editing heterogeneous media objects in a hand-held image capture device having a display screen, the method comprising the steps of:

   a)   displaying a representation of each one of the media objects on the display screen, each one of the media objects having one or more media types associated therewith;

   b)   enabling a user to randomly select a particular media object to edit;

   c)   in response to a user pressing a key to edit the selected media object, invoking one or more specialized edit screens for editing the media types associated with the selected media object, wherein in each one of the specialized editing screens, a representation of the selected media object's content, and items to be applied to the selected media object are displayed, whereby each one of the specialized editing screens operates in a similar manner to ease use and operation of the hand-held image capture device and to facilitate creation of multimedia presentations on the hand-held image capture device.

4   (Original) A method as in claim 3 wherein step (c) further includes the step of:

providing at least one of the specialized editing screens with discrete cursor

locations, which the user navigates among using a navigation control.

5   (Original) A method as in claim 4 wherein step (c) further includes the step of:

providing at least one of the specialized editing screens with real time preview of

editing functions applied to the selected media object.

6   (Original) A method as in claim 5 wherein step (b) further includes the steps of:

i)   displaying a plurality of thumbnail images on the display screen, wherein

each thumbnail image represents one of the stored media objects; and

ii)   providing an icon area on the display screen for displaying an indication of

the media types associated with a selected media object.

7   (Previously amended) A hand-held image capture device for editing heterogeneous

media objects, comprising:

a randomly-accessible mass storage device for storing the heterogeneous

media objects, each one of the media objects having one or more media types

associated therewith, wherein the media types include a still image, a sequential

image, and text;

a hardware user interface for displaying the heterogeneous media objects, the

hardware user interface including a navigational control, and means to select one of

the media objects; and

processing means coupled to the mass storage device, the video codec, and to the

hardware user interface for controlling operation of the hand-held image capture device,

the processing means functioning such that in response to the using randomly selecting

one of the media objects to edit, the processing means invokes one or more specialized

edit screens for editing the media types associated with the selected media object,

wherein the specialized edit screens include an image editing screen for editing still and

sequential images.

8   (Previously amended) A hand-held image capture device as in claim 7 wherein the

each one of the specialized editing screens displays a representation of the selected media

object's content, editing items to be applied to the selected media object, and at least one

soft key function, whereby each one of the specialized editing screens operates in a similar

manner to ease use and operation of the hand-held image capture device and to facilitate

creation of multimedia presentations on the hand-held image capture device.

9   (Previously amended) A hand-held image capture device as in claim 8 wherein at

least one of the specialized editing screens includes discrete cursor locations, which the user

navigates among using a navigation control.

10   (Previously amended) A hand-held image capture device as in claim 9 wherein at

least one of the specialized editing screens displays a real time preview of selected editing

items applied to the selected media object.

11   (Previously amended) A hand-held image capture device as in claim 10 further

including a display screen, wherein the processing means displays thumbnail images on the

display screen representing the stored media objects, and provides an icon area on the

25

display screen for displaying an indication of the media types associated with the selected media object.

12   (Previously amended) A hand-held image capture device as in claim 11 wherein each one of the selected media objects to edit are stored in a slide show media object.

13   (Previously amended) A method for editing heterogeneous media objects stored in a hand-held image capture device having a display screen, the method comprising the steps of:

a)   creating a slide show from randomly selected ones of the heterogeneous media objects stored in the hand-held image capture device, each one of the heterogeneous media objects comprising at least one media type, the media types including a still image, a sequential image, and text;

b)   in response to a user editing the slide show, displaying a slide show edit screen, wherein a representation of each media object comprising the slide show is displayed on the display screen;

c)   enabling a user to randomly select media objects to edit; and

d)   enabling the user to edit the selected media object's content.

14   (Previously amended) A method as in claim 13 wherein step (d) further includes the step of:

i)   in response to a user editing the selected media object's content, invoking one or more specialized edit screens for editing the media types associated with the selected media object, wherein the specialized edit screens include an image editing screen for editing still and sequential images, and a text editing screen for editing

text.

15   (Previously amended) A method as in claim 14 wherein step (d) further includes the step of:

ii)   displaying in each one of the specialized editing screens, a representation of the selected media object's content, items to be applied to the selected media object, and at least one soft key function, whereby each one of the specialized editing screens operates in a similar manner to ease use and operation of the hand-held image capture device and to facilitate creation of multimedia presentations on the hand-held image capture device.

16   (Original) A method as in claim 15 wherein step (d) further includes the step of:

iii)   providing at least one of the specialized editing screens with discrete cursor locations, which the user navigates among using a navigation control.

17   (Original) A method as in claim 16 wherein step (c) further includes the step of:

iv)   providing at least one of the specialized editing screens with real time preview of editing functions applied to the selected media object.

18   (Original) A method as in claim 17 wherein step (b) further includes the steps of:

iii)   displaying a plurality of thumbnail images on the display screen, wherein each thumbnail image represents one of the stored media objects; and

iv)   providing an icon area on the display screen for displaying an indication of the media types associated with a selected media object.

IX EVIDENCE APPENDIX

(None)

X   RELATED PROCEEDINGS APPENDIX

(None)